

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

PURE WATER COMMITTEE OF
WESTERN MARYLAND, INC. et al.

Plaintiffs

v.

MAYOR AND CITY COUNCIL OF
CUMBERLAND, MARYLAND, et al.

Defendants

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Case No. JFM 01 CV 2611

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MOTION FOR SUMMARY JUDGMENT

The City of Frostburg, by and through its City Attorney, Jeffrey S. Getty, moves, pursuant to Fed. R. Civ. P. Rule 56 for summary judgment against the Plaintiffs. The pleadings, depositions, answers to interrogatories, stipulations and admissions, together with Affidavits submitted herein, demonstrate there is no genuine issue as to any material of fact and that the City of Frostburg is entitled to summary judgment as a matter of law. For these reasons and those more fully explained in the attached Memorandum of Law in Support of the Motion for Summary Judgment, the City of Frostburg prays this Court enter judgment on its behalf on all counts.

GEPPERT, McMULLEN, PAYE & GETTY

By A/s/@ Jeffrey S. Getty
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(301) 777-1515
Attorneys for City of Frostburg

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of June, 2003, a copy of the foregoing Motion for Summary Judgment was mailed, postage prepaid, to William J. Trozzo, Esquire, Trozzo, Lowery & Weston, 75 Greene Street, Cumberland, Maryland 21502, Attorneys for Plaintiffs; H. Jack Price, Esquire, 61 Greene Street, Cumberland, Maryland 21502, Attorneys for Mayor and City Council of Cumberland; Stephen C. Wilkinson, Esquire, 220 Washington Street, Cumberland, Maryland 21502, Attorney for Allegany County, Maryland and to Edward C. Crossland, Esquire, 1 Washington Street, Cumberland, Maryland 21502, Attorneys for LaVale Sanitary Commission.

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